

CR 07-370

Prob 12
(Rev. 3/88)

UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA

U.S.A. vs. Manuel Ortiz-Acevedo

Docket No. 01-CR-436-N (District of Colorado)

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Manuel Ortiz-Acevedo, who was placed on supervision by the Honorable Edward W. Nottingham, sitting in the Court at Denver, Colorado, on the 24th day of January 2003, who fixed the period of supervision at five years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- Within 72 hours of his release from the custody of the Bureau of Prisons, the defendant will report in person to the probation office in the district to which he is released;
- The defendant will not possess any firearm, destructive device, or any other dangerous weapon, as defined by federal or state statute;
- The defendant will not illegally possess or use controlled substances;
- The defendant will submit to one drug test within fifteen days of his release and two periodic tests thereafter, the exact timing of all such tests to be determined by the probation officer;
- The defendant will observe the fourteen "standard" conditions adopted by the District of Colorado;
- The defendant will participate in a program of testing and treatment for alcohol abuse, as directed by the probation officer, until he is released from the program by the probation officer. He will pay all costs associated with this program, and;
- If the defendant is deported, he will not thereafter re-enter the United States illegally. If the defendant re-enters the United States legally, he will report to the nearest United States Probation Office within seventy-two hours of his return.

01-24-03: Possession of More Than 500 Grams of Cocaine With Intent to Distribute; 46 months' imprisonment followed by 5 years' supervised release.

06-08-05: Released from the Bureau of Prisons to an Immigration and Naturalization Service (INS) detainer.

06-16-05: Deported to the Republic of Mexico, through El Paso, Texas.

07-12-07: Jurisdiction transferred from the District of Colorado to the Western District of Pennsylvania; the case is currently assigned to United States Probation Officer Eric S. Lawson.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that the client has violated the following conditions of supervised release:

The defendant shall not commit another federal, state, or local crime.

If the defendant is deported, he will not thereafter re-enter the United States illegally. If the defendant re-enters the United States legally, he will report to the nearest United States Probation Office within seventy-two hours of his return.

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On March 9, 2006, the defendant was taken into custody by United States Immigration and Customs Enforcement (ICE), and charged with Re-Entry of a Removed Alien, in violation of 8 U.S.C. § 1326(a) and § 1326(b)(2). He was subsequently charged with Re-Entry of a Removed Alien, at Criminal No. 06-105 in the United States District Court for the Western District of Pennsylvania. On September 28, 2007, the defendant pled guilty to that charge before United States District Judge Gary L. Lancaster. Sentencing is scheduled for January 18, 2008.

The defendant was initially arrested on March 9, 2006, by the West Mifflin, Pennsylvania, Police Department, and subsequently charged at Allegheny County Court of Common Pleas CC No. 2006-04698, with Burglary (Count 1), Theft by Unlawful Taking (Count 2), and Receiving Stolen Property (Count 3). On March 15, 2007, the defendant, who was represented by Karen Avery, Esquire, pled guilty to Count 2, and Counts 1 and 3 were withdrawn. At a sentencing hearing held on March 15, 2007, the defendant was sentenced to NLT 6 months to NMT 12 months' imprisonment in the Allegheny County Jail, effective March 10, 2006. The defendant was ordered to be paroled forthwith.

On November 13, 2005, the defendant was arrested by the Homestead, Pennsylvania, Police Department and charged with Theft of Services, Disorderly Conduct, Public Drunkenness, and Resisting Arrest. The charges stem from police being summoned to a restaurant because the defendant was intoxicated and refusing to pay for his meal, valued at \$13.67. Police found a permanent resident card identifying the defendant as "Manuel Acevedo-Ortiz." A computerized record check revealed no information as to his identity, and he refused to provide his name or date of birth to officers and had to be physically restrained by police officers. After being searched and placed in a holding area, the defendant yelled profanity and threatened an arresting officer. On November 23, 2005, at Magisterial District 05-2-15, in Munhall, Pennsylvania, the defendant pled guilty to Disorderly Conduct (Docket No. NT-1775-05), and Public Drunkenness (Docket No. NT-1776-05). Monetary penalties of \$432.17 and \$200 were imposed, respectively.

The above-described convictions were sustained during the defendant's term of supervised release. It is further noted that following deportation to the Republic of Mexico on June 16, 2005, the defendant failed to report to the United States Probation Office after making unlawful re-entry into the United States.

PRAYING THAT THE COURT WILL ORDER that the supervised releasee appear in Federal Court, Courtroom No. 3A, U.S. Post Office and Courthouse, Pittsburgh, Pennsylvania, with legal counsel on FRIDAY, JANUARY 18, 2008, at 10:30 AM, to show cause why supervision should not be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed October 9, 2007
on 10/12/07

Eric S. Lawson
Eric S. Lawson
U.S. Probation Officer

Roselyn Gerson (for)
Roselyn Gerson
Supervising U.S. Probation Officer

10/12/07, 2007 and ordered filed and made
a part of the records in the above case.
GL Lancaster
U.S. District Judge

Place: Pittsburgh, Pennsylvania